

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

BRIAN K. PRAVORNE,

Petitioner,

Case No. 3:21-cv-00898-AC

v.

OPINION AND ORDER

DEWAYNE HENDRIX,

Respondent.

MOSMAN, J.,

On February 3, 2022, Magistrate Judge John V. Acosta issued his Findings and Recommendation (“F. & R.”) [ECF 6]. Judge Acosta recommends I deny the Petition for Writ of Habeas Corpus and enter a judgment of dismissal. Objections were due on February 22, 2022, but none were filed. I agree with Judge Acosta.

STANDARD OF REVIEW

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendations, I ADOPT his F. & R. [ECF 6] as my own opinion. I dismiss the Petition for Writ of Habeas Corpus [ECF 1], decline to issue a certificate of appealability because Petitioner has not made a substantial showing of the denial of a constitutional right, and dismiss this case.

IT IS SO ORDERED.

DATED this 4th day of March, 2022.



MICHAEL W. MOSMAN
Senior United States District Judge